REMARKS

Claims 1-5, 8-29, 31 and 33-39 are pending and remain for consideration.

Claims 1-5, 8-29, 31, 33 and 35-39 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Connely et al. (U.S. Pat. No. 1,773,030) in view of Phillips (U.S. Pat. No. 4,702,057) and further in view of Herring, Jr. et al. (U.S. Pat. No. 6,696,147). The rejection is traversed and reconsideration is respectfully requested.

Connely et al. is directed to a tubular steel tower. The Examiner believes that Connely et al. shows a steel tubular tower having a plurality of vertical elongated members and reinforcing members. However, the Applicants disagree with the Examiner's assertions.

Specifically, the Examiner points to a clamp member 10 shown in Connely et al. as representative of a reinforcing member. The clamp member 10, however, is not elongated and consequently cannot serve structurally as a reinforcing member for an elongated member, as is recited in independent claims 1 and 16 of the present application. This is not surprising because the clamp member 10 does not reinforce elongated members, but rather serves to adjustably clamp a horizontal cross girt or landing panel 8 at various levels along the corner posts of an elevator tower. Moreover, the clamp member 10 cannot be adhesively coupled to a corner post because such permanent adhesive coupling would destroy the purpose of the clamp – namely, adjustable coupling to a corner post at various positions therealong. In other words, the clamp member 10 of Connely et al. must be able to be repeatedly loosened and tightened for positioning the landing panel 8 at various heights on the elevator tower.

Phillips is directed to a method and kit for repairing in situ a utility pole, especially a wooden one, when damaged at around ground level. The method uses a sleeve to surround a substantial length of the pole and a non-shrink hardenable pourable composition to occupy a clearance between the sleeve and the pole and form a solid core bonded to both of them, so as to yield a strong assembly. The sleeve is of two identical parts clipped together around the pole. The composition is a magnesium phosphate cement. The Examiner believes that Phillips shows a reinforcing member having an adhesive to bind the reinforcing member to the pole.

Phillips does not show a reinforcing member and an adhesive to bind a reinforcing member to the pole, as is recited in independent claims 1 and 16 of the present application. The Examiner appears to equate a sleeved construction 4 with the reinforcing member and equate cement, poured within a void between a wooden utility pole and the sleeved construction, with the adhesive for binding the reinforcing member. The Applicants disagree with the Examiner's assertions.

The sleeved construction 4 does not have the structural integrity in itself to serve as a reinforcing member. The sleeved construction serves as an enclosure for containing cement which is poured in the void between the utility pole and the sleeved construction. It is primarily the cement itself which serves as the reinforcement to the base of the utility pole. Moreover, someone skilled in the pertinent art of tower construction would not be motivated to consult Phillips to adhesively couple the clamp member 10 of Connely et al. to the corner post of an elevator tower as taught in Connely et al. As was mentioned above, Connely et al. teaches away from adhesively coupling the clamp member 10 to a corner post. The purpose of the clamp member 10 to be loosened and tightened for adjustably positioning a landing panel at various heights on the elevator tower would be destroyed if the clamp member 10 were adhesively coupled to a corner post. Further, someone skilled in the pertinent art of tower construction would not be motivated to consult non-analogous art related to strengthening the rotting base of a wooden utility pole.

Herring, Jr. et al. is directed to a method for adhesively joining two members. The method includes the steps of mixing non-compressible beads with an adhesive, applying the resulting mixture to one of the members and hemming one member over the other in overlapping relationship. An apparatus for performing this method includes a container for containing a mixture of an adhesive and a plurality of non-compressible beads, an applicator for applying the mixture to one of the members, and hemming means for hemming one member over the other in overlapping relationship. A metering device for dispensing adhesive fluid is constructed with a dispensing rod having a cooling means for facilitating operation of the metering device. The method is used in bonding together the inner and outer panels of an automotive door assembly. Apparently, the Examiner cites Herring, Jr. for mentioning that glass beads can be included in an adhesive.

Someone skilled in the pertinent art of building tower structures including tubular and round tower members would not be motivated to consult the Herring, Jr. reference. Herring, Jr. is directed to mixing non-compressible beads with an adhesive in order to prevent an excess amount of adhesive from being squeezed out during the formation of a hemmed joint. The beads ensure that most of the adhesive remains in the area of the hemmed joint so as to maintain the integrity of the joint and prevent creation of an air-filled gap in the area of the joint. The hemmed joints which are strengthened by the method of Herring, Jr. are not directed to tower structures, but rather to the non-analogous art of panels of an automobile door assembly.

In summary, it has been demonstrated above that the teachings of Connely et al., Phillips and Herring, Jr. et al. are insufficient for being taken either alone or for being combined with one another to render independent claims 1 and 16 obvious. Moreover, because claims 2-5, 8-15, 17-29, 31, 33 and 35-39 each ultimately depend from and thereby incorporate the limitations of one of the independent claims, these dependent claims are not obvious over the cited references for at least the reasons set forth for the independent claims.

Claim 34 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Connely et al. (U.S. Pat. No. 1,773,030) in view of Phillips (U.S. Pat. No. 4,702,057) and Herring, Jr. et al. (U.S. Pat. No. 6,696,147), and further in view of Sturgill (U.S. Pat. No. 3,371,458). The rejection is traversed and reconsideration is respectfully requested.

Sturgill is directed to a structural unit composed of a plurality of interconnected sections of identical configuration, and a tower constructed therefrom. Apparently, the Examiner cites Sturgill for merely showing a tower made of solid members

Claim 34 depends from and thereby incorporates the limitations of claim 16. It has been demonstrated above with respect to claim 16 that the teachings of Connely et al., Phillips and Herring, Jr. et al., taken either alone or in combination do not render claim 16 obvious. Likewise, the teachings of Connely et al., Phillips, and Herring, Jr. et al. are also insufficient when taken either alone or in combination with the teaching of Sturgill to render claim 34 obvious.

In view of the foregoing, it is respectfully submitted that claims 1-5, 8-29, 31 and 33-39 are in condition for allowance. All issues raised by the Examiner having been addressed, an early action to that effect is earnestly solicited.

No fees or deficiencies in fees are believed to be owed. However, authorization is hereby given to charge our Deposit Account No. 13-0235 in the event any such fees are owed.

Respectfully submitted,

By Daniel G. Mackas
Daniel G. Mackas
Registration No. 38,541
Attorney for Applicants

McCORMICK, PAULDING & HUBER LLP
CityPlace II, 185 Asylum Street
Hartford, CT 06103-3402
(860) 549-5290